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IN THE

Supreme Court of the United States

OCTOBER TERM, 1934.

No. 567

SPIELMAN MOTOR SALES CO., INC., *Appellant*,

vs.

WILLIAM C. DODGE, as District Attorney of New York County, State of New York, *Appellee*.

OPPOSITION OF APPELLEE TO MOTION TO POSTPONE ARGUMENT.

DAVID BLITZER,
HAROLD H. STRAUS,
KARL D. LOOS,
Counsel for Appellee.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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vs.

WILLIAM C. DODGE, as District Attorney of New York County, State of New York, *Appellee.*

OPPOSITION OF APPELLEE TO MOTION TO POSTPONE ARGUMENT.

Now comes the appellee in the above entitled cause, by the undersigned counsel, for the purpose of opposing a postponement of the oral argument, for the reasons hereinafter shown:

1. Appellee is advised that the Attorney General of the State of New York, acting for and on behalf of the Governor of New York, will submit a motion to this Court not later than Monday, March 4, 1935, seeking to have the argument in this cause postponed and continued until the month of April, 1935, in order that this case may be argued together with the case of *United States v. W. E. Belcher*, No. 628, October Term, 1934.

2. The issue involved in the present case is the validity of the State Recovery Act of the State of New York and certain trade practice provisions of the Code of Fair Competition for the Motor Vehicle Retailing Trade and of the National Industrial Recovery Act. The case of *United States v. W. E. Belcher* involves the hours and wages provisions of the Code of Fair Competition for the lumber industry, which are not in question in the present case. The only similarity between the two cases is that they both arise under legislation seeking National recovery.

3. Appellee's brief is now being printed and counsel for appellee are ready to argue this case when it is reached in due course, which, we understand, will be sometime during the week of March 4, 1935.

4. Appellant has filed its brief and we are advised that it will also oppose this motion for a postponement.

5. The uncertainty which will continue while this case is pending is causing difficulty in the administration of the Motor Vehicle Retailing Code and appellee, the Code Authority, and the Motor Vehicle Retailing Trade generally, are anxious to avoid any delays in the progress of this case to a final determination.

Wherefore, it is prayed that the motion of the Attorney General of the State of New York for a postponement of the argument in this case may be denied.

Respectfully submitted,

DAVID BLITZER,
HAROLD H. STRAUS,
KARL D. LOOS,
Counsel for Appellee.